

Docket No.: 197759US0CONT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Akihiro KISHISHITA, et al.

GAU: 1621

SERIAL NO: 09/708,006

EXAMINER: Zucker

FILED: November 8, 2000

FOR: NOVEL ASPARTAME DERIVATIVE CRYSTAL AND PROCESS FOR PRODUCING THE SAME

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

This is a request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

Submission required under 37 C.F.R. §1.114

Previously Submitted:

- ☒ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on November 19, 2002.
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

Enclosed:

- ☒ Reply and Request for Reconsideration
- ☐ Information Disclosure Statement (IDS)
- ☐ Other:

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FEES	RATE	CALCULATIONS
<input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of months.	\$130.00	\$0.00
<input checked="" type="checkbox"/> RCE Fee required under 37 C.F.R. §1.17(e)	\$740.00	\$740.00
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TOTAL OF ABOVE CALCULATIONS:		\$740.00
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☒ Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 CFR 1.136, and any additional fees required under 37 CFR 1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate of this sheet is enclosed.

12/31/2002 JADD01 00000046 09708006

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Respectfully Submitted,

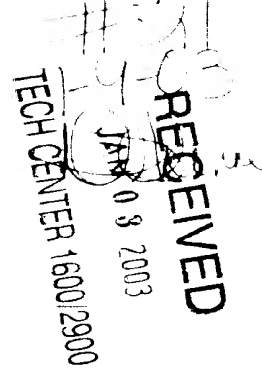
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Signature of Norman F. Oblon
Norman F. Oblon

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Stephen G. Baxter, Ph.D.
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DOCKET NO.: 197759US0CONT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
AKIHIRO KISHISHITA ET AL : EXAMINER: ZUCKER
SERIAL NO. : 09/708,006 :
FILED: NOVEMBER 8, 2000 : GROUP ART UNIT: 1621
FOR: NOVEL ASPARTME :
DERIVATIVE CRYSTAL AND
PROCESS FOR PRODUCING
THE SAME

REPLY AND REQUEST FOR RECONSIDERATION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In reply to the Advisory Action dated December 17, 2002, Applicants respectfully request reconsideration of the above-identified application in view of the following remarks.

REMARKS

Present Claims 1 and 14 relate to a novel crystal form of N-[N-(3,3-dimethylbutyl)-L- α -aspartyl]-L-phenylalanine methyl ester (Neotame), which exhibit a characteristic X-ray diffraction peak at a diffraction angle, 2θ , measured using $\text{CuK}\alpha$ rays of about 7.1° (referred to hereinafter as "C-type crystals" or the "C-type crystal form").